

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

FREDERICK BANKS,	)	
	)	
Plaintiff,	)	Civil Action No. 2:13-cv-1152
	)	
v.	)	Judge Nora Barry Fischer
	)	Chief Magistrate Judge Lisa Pupo
STATE FARM, <i>et al.</i> ,	)	Lenihan
	)	
Defendants.	)	
	)	
	)	
	)	

**MEMORANDUM ORDER**

Plaintiff commenced this civil action on July 26, 2013 by filing a Complaint (ECF No. 1) and Motion for Leave to Proceed *in forma pauperis* (ECF No. 2) in the United States District Court for the Middle District of Pennsylvania at Case No. 1:13-cv-02016. The Middle District transferred the case to this District on August 8, 2013, the case was referred to Chief United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Rules of Court 72.C and 72.D. Judge Lenihan entered an order on October 17, 2013 granting the Motion for Leave to Proceed In Forma Pauperis.

On October 28, 2013, the Magistrate Judge filed her Report and Recommendation (ECF No. 7) in which she recommended that the Complaint be dismissed without prejudice as to Defendants State Farm, Nikole Sullivan, Dan Lnu,

Congressman Doyle, Four Unknown Named BOP agents at FCC Forrest City, AK, Warden Anthony Haynes, Captain Wise, and Charles Samuels. The Magistrate Judge further recommended that the Complaint as to Judge Brian S. Miller be dismissed with prejudice pursuant to 28 U.S.C. §1915(e)(2)(B)(i) and (iii). Service of the Report and Recommendation was made on Plaintiff at his address of record, P.O. Box 42303, Pittsburgh, PA 15203, as well as at #057-11068, North East Ohio Correctional Center, 2240 Hubbard Road, Youngstown, OH 44505. Plaintiff was informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, that he had fourteen (14) days to file any objections. No Objections have been filed to the Report and Recommendation.

After a review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

**AND NOW**, this 18th day of November, 2013,

**IT IS HEREBY ORDERED** that the Complaint filed by Plaintiff Frederick Banks (ECF No. 1) is **DISMISSED WITHOUT PREJUDICE** as to Defendants State Farm, Nikole Sullivan, Dan Lnu, Congressman Doyle, Four Unknown Named BOP agents at FCC Forrest City, AK, Warden Anthony Haynes, Captain Wise, and Charles Samuels.

**IT IS FURTHER ORDERED** that the Complaint filed by Plaintiff Frederick Banks (ECF No. 1) is **DISMISSED WITH PREJUDICE** as to Defendant Judge Brian S. Miller pursuant to 28 U.S.C. §1915(e)(2)(B)(i) and (iii).

**IT IS FURTHER ORDERED** that the Report and Recommendation (ECF No. 7) of Chief Magistrate Judge Lenihan, dated October 28, 2013, is adopted as the opinion of the Court.

The Clerk of Court is directed to mark this case closed.

BY THE COURT:

s/Nora Barry Fischer  
NORA BARRY FISCHER  
United States District Judge

cc: Frederick Banks  
P.O. Box 42303  
Pittsburgh, PA 15203  
*Via First Class Mail*

Frederick Banks  
USMS # 057-11068  
North East Ohio Correctional Center  
2240 Hubbard Road  
Youngstown, OH 44505  
Via U.S. First Class Mail